

# THE CALCUTTA JOURNAL.

OF

## Politics and General Literature.

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### SUMMARY OF NEWS.

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#### Politics of Europe.

The Mails from London and Liverpool, delivered yesterday, brought us several Papers of May, to the 17th, including the LIVERPOOL MERCURY, HAMPSHIRE TELEGRAPH, and MORNING CHRONICLE. As each will furnish articles not to be found in the TIMES and other Papers of the same date, they will enable us to give variety to our pages.

Besides the ORIENT and DAPHNE, the Ships WILLIAM MILES, ALBION, AJAX, BRITANNIA, and WOODFORD had all arrived at Madras previous to the sailing of the MARQUIS OF WELLINGTON and THOMAS GRENVILLE. The WOODFORD left England on the 28th of May, and the FAME about the same time. The latter Ship was hourly looked for at Madras. No Public News had transpired from these Arrivals.

The Asiatic Sheet contains some interesting Intelligence from the Sydney Gazettes received from New South Wales, as well as a Third Letter on the JUDICIAL SYSTEM OF INDIA, which has long lain by. Many will be disappointed—some we hope agreeably so—at not finding a single line of Editorial Controversy to distract their attention from more interesting matters there. We have had three full years of this warfare, and think that space quite enough to live out, to triumph over, and survive, as we have done, or we should not now have to address the Reader. Moreover, when in failure of all other means, it is now attempted to impose on the community, by raising an outcry against us, as wantonly insulting those whom we revere and honour as highly as any man can do,—for which we appeal to every volume, past and present, of our labours—and calling our argumentative defence of certain positions “gross insults to the Government,” there is no other reply to such falsehoods, than bare and positive denial, which we make as a point of duty, and know that, we shall be believed by some, and, as usual, be misrepresented by others.

It is said we have libelled Religion: Let the Ministers of it defend their cause, and punish effectually whatever Blasphemy they can find in our writings. It is said that we have reviled the Laws: Let those who are its professed and peculiar Guardians avenge to the utmost every insult shewn to their authority. It is said that we have libelled private individuals:—Let them appeal to us for redress, as men or as citizens. They shall not be denied it in either case. But that a host of unknown miscreants, under the mask of A. B. and C. to the end of the alphabet, without having the manliness to avow themselves openly, should accuse an Individual whom every one knows, and talk of “cudgelling” with all seeming bravery, while no one knows who they are, is rather too much. Our house is always open, and we are always accessible. Let those who think themselves legally injured, seek legal redress, and we shall meet them. Let those who consider themselves personally aggrieved, seek personal satisfaction; they will find that in cudgelling, as well as in writing, there are two sides to the question, and that though sophistry and declamation may avail in the one case, it will serve no man's stead in the other.

All that can be written on the subject lately discussed, has been brought forward on both sides, and worn thread-bare; so that those who are not convinced by what has been already said, would not believe if one rose from the dead. Let those who have pages to spare which they cannot fill more usefully or agreeably,

give them up entirely if they see fit, to ringing the changes over again—we shall abstain.

We turn from this subject, to the contents of the latest Numbers of the MORNING CHRONICLE that have reached us. It is to be remarked, that this Paper, the MORNING CHRONICLE, has taken the lead among the Daily Journals of England, as the Organ of the Whig Aristocracy of the country; and that it has maintained its eminence as such for upwards of Fifty years, the last Number, May 17, being 16,248; and that its Editor, Mr. Perry, the Advocate of a Free Press in India, who delivered his sentiments on this subject lately at the India House, has the countenance, support, and friendship of the most distinguished Noblemen in England, and stands as highly in his private as his public character. Yet there has been scarcely a day throughout these Fifty years that THE MORNING CHRONICLE has not been characterized by the most abusive and calumnious epithets, and its Editor represented as a Jacobin, a Revolutionist, a Radical, a “fomentor of discord,” a leader of the “Seditious Press;” in short, by every epithet that could, if believed to be just, vilify and degrade the character of man. Yet he is respected, esteemed, beloved, as a private individual; and honored and looked up to as a public one.

If any one should doubt these facts, let them look into the Files of the COURIER and MORNING POST of older times, and the JOHN BULL and TRUE BRITON of later days, for the abuse that has been lavished on him; and let them see the high eulogium of Sir James Mackintosh, pronounced in Parliament, on the same individual, who had stemmed for thirty years the daily torrent of abuse directed against him; unmoved either by their taunts or reproaches—their threats or their sneers, but pursuing steadily the course of a patriot, warmly devoted to the cause which his principles had led him to espouse. In England, fortunately, men have more discrimination than to suffer things to be beaten into their heads by mere force of repetition; and if Mr. Perry could live fifty years longer, he would be sure of daily abuse as long as such Papers as the COURIER and MORNING POST existed, though he would not on that account be the less esteemed by all who knew him. Who then would marvel that a similar course of things should take place in India?

The great mass of what is called Blasphemy and Sedition in the CALCUTTA JOURNAL, is taken from the TIMES, MORNING CHRONICLE, SCOTSMAN, EDINBURGH REVIEW, and similar works at home, and distinguished as such; as is the article in Monday's Paper, on the “Tyrannical Spirit of the Tories,” which the HURKARU and his Correspondent both seem to imagine ours. If it had been, it would have been “villainous stuff,” no doubt, in their eyes, but being published in Edinburgh, verbatim et literatim, (C—and all) on the 21st of March, it is a good and unanswerable paper, at least far beyond their capacity to disprove. While the EDINBURGH REVIEW has a Blackwood for its Bully—the TIMES a Mock Paper, assuming its own name, as a Combatant,—the SCOTSMAN, a Beacon as a Rival,—and the MORNING CHRONICLE, three such accomplished slanderers as the COURIER, MORNING POST, and JOHN BULL, directing all their force against it,—we must pay the ordinary price of popularity and distinction, and let the fawning Spaniels that are unkenelled against us here, yelp their anger forth in full cry. We never yet have asked or even wished to have them muzzled, because we do not dread their barking; and the only good reason why they wish us to be forcibly silenced, is because they dread a true Bull-dog's bite.

London, May 9, 1821.—Mr. LENNARD moved last night for the Repeal of Two of the most obnoxious of the famous Six Acts, namely, the Seditious Meetings and the Blasphemous and Seditious Libel Acts. Both the motions were lost, but by a very small majority. It is impossible, indeed, to reprobate, in sufficiently severe terms, the Blasphemous and Seditious Libel Act, under which it is a mockery to talk of a free press. Every one who knows any thing of the Law of Libel, must know that a publication in which there is any attempt at discussion, never issues, and never can issue, from the press which does not contain more or less libellous matter, according to the description of libel given by Lawyers and Judges. A Libel, as has been well observed, is any thing that twelve Jurymen can be induced to call such, and all depends on the nomination of the Jurors. Who does not know, for instance, that twelve Tory Jurymen would, without a moment's hesitation, pronounce a publication containing Whiggish sentiments Libellous, that twelve Whig Jurymen would consider deserving of praise? The great object in a prosecution therefore is to obtain favourable jurors, and the art of packing has become the Art of Arts.

The dreadful punishment awarded by the Blasphemous and Seditious Libel Act, hangs therefore suspended by a thread over the head of every public writer. The only security he has is the gentlemanly feeling, and the respect for public opinion possessed by his prosecutors. While the business of prosecution remained in the hands, of the Law Officers of the Crown, responsible public officers, there was some security against oppression. But a new state of things has taken place.—We have now an Association calling themselves the Constitutional Association for the Prosecution of Seditious and Blasphemous Libels. They have already, it seems, collected considerable subscriptions, and entered on the business of prosecution; and we may expect this business to go on briskly, so long as any of their money remains unexpended. Individuals who have briefless barristers for relations, will find it no bad speculation to subscribe liberally to this fund, with the view of procuring business for them. We understand that many barristers are already very sanguine in their expectations from this source. We hope, however, that this combination for the persecution of the Press will attract due attention. Who are these Combiners? We should be glad to know something more of them. There are surely means for counteracting the machinations of any set of men who may choose to league together to disturb the peace of society.

A most important measure was introduced into the House last night by Mr. SCARLETT, who brought in a bill, which, if it pass, will effect an entire revolution in the Poor-Law System of this Country. We wish every success to it, convinced as we are that so long as the Poor Laws of England exist in their present shape, the Labouring Classes of this country must remain in a state of dreadful depression.

It may be proper that the Labouring Classes should be provided for by Rates in sickness and in old age, when necessary; but the idea of placing a whole population on the Poor-roll, is an absurdity which one is astonished should ever have entered the heads of rational beings. Wherever this operation has been given to the Poor Laws, a lamentable degradation of character has taken place; and in a short time, if the system is not altered, it will be impossible to recognize in the labouring classes of England any traces of the energy and enterprise for which their forefathers were so conspicuous. How high, for instance, the character of the English peasantry must have been at the time the Colonies of New England were founded, compared with what it unfortunately now is! How high it was, compared with that of the peasantry of Scotland, not one hundred years ago, when FLETCHER, of Saltoun, declared the latter so idly disposed and worthless, as to render it necessary to make slaves of them! Things are, indeed, sadly changed.

We hardly see the necessity of fixing as a *maximum* the exorbitant amount of rates; however if the system be continued this is of little consequence.

Great benefit has been derived in some of the Cantons of Switzerland, from a law enacted several years ago, exacting about £4. from every pair before allowing them to marry, which is applied to the support of the helpless and infirm poor. The use to which the money is put reconciles those who pay it to the exaction, and the natural desire of marriage disposes to saving in order to obtain it.

If Mr. SCARLETT succeed in this measure, he will render an incalculable service to the country.—*Morning Chronicle*.

London, May 11, 1821.—The Manchester Packet from Brazil arrived at Falmouth on Monday. After the departure of the Mail, of course, the letters brought by her were not delivered till yesterday. She left Rio Janeiro on the 4th March, and brings accounts of the revolution which took place there on the 26th of the preceding month, which ended in the KING solemnly accepting the Constitution of Portugal, and pledging himself to cause it to be observed throughout the whole of his dominions, as will be seen by the particulars found in another part of our paper.

As we have more than once expressed it as our opinion, the causes which operated in Portugal could not fail to produce the same effects in the Brazils. The people there could no longer submit to a degrading system of misgovernment, or endure abuses serving only to enrich hungry and ambitious speculators. Besides the defects in the administration and judicial departments, the Treasury of the Brazils was filled with mal-practices; and the people took occasion to evince their feelings towards certain merchants whose connections with it were not unknown to them, as soon as they were able.

In the situation in which the Portuguese King was placed, he could not have adopted a wiser plan than to adhere to the new Constitution, and send his eldest son over to Portugal; but above all, he could not have acted more judiciously than in dismissing those Ministers who had deluded him, and lost the confidence of the nation. Count PALMELLA's plan was to adopt a system of intrigue in order to counteract what had been done in Portugal, in which, if the KING had persisted, he would have ruined himself for ever. It is a well known fact, that the KING has a good heart, and is strongly attached to his people; but it has long been his misfortune to be surrounded by weak and corrupt Advisers, who had eventually led him to the brink of the precipice, where we found himself when he awoke from his lethargy on the 26th of Feb. last. This memorable event will no doubt be received with the greatest joy and exultation in Portugal; and so happy a completion of a bloodless revolution must endear those who had the courage to undertake it, in the hearts of their grateful countrymen. How different do they stand in the eyes of Europe, when compared to those diplomatic agents and others, who, out of mere officiousness, and in direct opposition to the interests, and even the wishes of the KING, have been plotting blockades, hostility, &c. against their insulted country. Fortunately the whole of their schemes have been of no avail, since they have not, for one single instant, retarded the sure operation of the cause of freedom and regeneration throughout the Portuguese dominions, but if possible, rendered it more triumphant. The KING has seen his error in time, and the opportunity is now left to him of reigning over a happy and rising nation.—*Morning Chronicle*.

London, May 12, 1821.—Our readers are aware that to the wisdom and liberality of the Marquis of HASTINGS, the *Censure* which had for twenty years been imposed on the Press in India was removed; by which the complaints of Natives for oppression, if well founded, might reach the eye of authority, and thus protection be extended to the many millions of human beings, subjected to British dominion, and who heretofore had no channel by which grievances could be made known. The enlarged policy of the Governor General was adopted by the enlightened Governor of Bombay; and at no previous time has our wide Empire in the East enjoyed such security, prosperity and happiness, as under the present auspices. In removing the previous Censorship, the Press was liable, as it ought to be, to the judicial tribunals; and accordingly we see by the dispatches which we received on Thursday,



that on the 23d of November, a motion was made in the Supreme Court of Bengal, by Mr. SPANKIE, the Advocate General, for a Rule to shew cause why a criminal information should not be filed against Mr. BUCKINGHAM, the Editor of the *Calcutta Journal*, for the publication of "a false, scandalous, and malicious libel, of and concerning the Government of that country," in a letter on merit and interest, signed *Amulus*, the libellous matter of which consisted in stating, that all promotion, advancement and reward were withheld even from merit, except by the pernicious means of political influence, or, as it is generally termed, *interest*—an imputation which, from every account, is totally unfounded in the present Administration of our Indian Government. But every friend to the fair Freedom of the Press must rejoice in thus seeing it brought to account for the exercise of its functions to an independent tribunal.—*Morning Chronicle*.

London, May 14.—We certainly are far from approving of the assumption of uncontrolled power by the House of Commons, in the punishment of Breaches of Privileges, and have always thought that that power ought to be limited to the removal of actual obstructions to their debates. We therefore, wish that the infamous attack on Mr. BENNET, which has lately occupied so much of the attention of the house, had been proceeded against in a different manner. It was well observed by Sir FRANCIS BURDETT, that the only person in the case who could be said to have been guilty of a breach of privilege, of really interfering with the freedom of debate, was the person who called upon the Honourable Member (Mr. BENNET) to account for what he was supposed to have said in Parliament.

One thing cannot fail to strike all reflecting persons in the speeches of Ministers, and in the comments on the case in the Ministerial Papers, namely, the attempt to white-wash JOHN BULL at the expence of the Press in general. Lord LONDONDERRY seemed to see no difference, in a moral point of view, between a misrepresentation inadvertently committed in the report of a speech, and the studied malignity of the attack on Mr. BENNET. "The present offence could by no means, he said, be considered as more flagrant than the one (an acknowledged unintentional misrepresentation) to which he alluded." God help him! "He should certainly," observed also his Lordship, "have been happy, if at a time when torrents of libels were poured forth against individuals as valuable as the Honourable Member who was the object of the present, a manly and British spirit of indignation had manifested itself on the other side of the House against those infamous attacks, and in support of our most sacred institutions." In the very same spirit THE COURIER of Saturday observes, "A year or two ago (not to refer to a more recent period), when a gang of ruffians were evidently co-operating to traduce and vilify every thing that is venerable and excellent in the State; when the Throne, the Altar, and the Bench were defiled by one common and indiscriminate eruption of foul and malignant falsehoods—and when private calumnies were heaped upon all who were the friends of Government in the most atrocious manner—what then did the Opposition say and do? Did they lend their influence to stem the polluted torrent? Did they raise their voice to arraign the criminals? Did they interpose their shield to protect an adversary, or defend the Throne? No. Their influence was exerted indeed, but it was to embarrass the Executive who sought to abate the nuisance; their voice was heard, and loudly heard; but it was to transfer the blame from the criminal to the victim; the shield was displayed, but it was to save the guilty."

Now we are far from wishing to defend the licentiousness of the Press, or from approving of some of the publications, which periodically or occasionally have appeared both in this metropolis and elsewhere. But among the most objectionable of the publications which ever issued from the Press of this Country for many years, we have seen nothing which could at all come into comparison with JOHN BULL. General abuse directed against the public conduct of men filling public situations, intemperate declamation against real or supposed corruption, loud and unqualified condemnation of the abuses in the Representation of the country, we have often seen. But is there any analogy be-

tween such an exercise of the Liberty of the Press, as we have been describing, and the system on which JOHN BULL has uniformly been conducted?—Is there no difference between intemperate arguments, misplaced declamation, or vague abuse, and the private slander, which day after day has been served up with so unsparing a hand to the readers of the Journal in question? The old and the young, the dead and the living, have all been by turns the subjects of this calumny; and most ungenerous and most merciless of all, to pander to the base and depraved appetites of those who delight in such entertainments, an incessant war has been waged against female delicacy.

Now it deserves to be remarked that this Journal has an extensive circulation, chiefly among the upper classes of society, and has been powerfully patronised by many of the more distinguished Tories. Every one too knows that the real libellers are not those who are now in Newgate, and some of them are confidently named on more than mere vague report. Let it be borne in mind too that the patrons of this publication, the most base and disgraceful that ever issued from the press of this country, have always been loud in their declamations against the licentiousness of that Press; that they are the Authors of the Banishment Bill, and the encouragers of Constitutional Associations. All this surely will have its weight with the country.—*Morn. Chron.*

In a provincial Journal of last week we find an alphabetical\* list of subscribers to a "Constitutional Association for Opposing the Progress of Disloyal and Seditious Principles."

This Association was noticed in THE COURIER of the 1st instant as follows:—"A Constitutional Association is about to be formed at Chester and several other places, for Opposing the Progress of Disloyal and Seditious Principles."

It is not long since that the great body of the nation were stigmatised by some zealous partisans of the present Ministers as prone to encourage the circulation of seditious and blasphemous publications. We are glad to find the latter epithet no longer applied to them.

But we may fairly ask whence has arisen this mighty union, and where exists the necessity of this powerful concentration of all that is good, sober, moral and loyal in the Kingdom?—Is the formation of such extraordinary safeguards necessary to keep in due subjection a people, who amidst their manifold sufferings have shewn an uninterrupted subordination and obedience to the laws? Are our laws become so defective as to be inefficient for the purposes of good Government? Have the old laws been altered and new laws imposed till their application has become less certain, their effect less strong? We cannot believe this. The laws of the land in our judgment are sufficient in the first place to make our Sovereign as great a Monarch as he can wish to be. The laws of the land we consider sufficient to preserve the just rights of the Crown, and to punish and bring to light the evil designs of the disaffected and seditious; and if there are any persons mad or wicked enough to encourage crimes against the State, or who would wish to rob us of those Institutions which have made the British Constitution ("provided that Constitution be preserved in integrity") the one best calculated to insure happiness that ever yet appeared; we say, if there be such, and they stand convicted of such wickedness, let the indignation of all good men fall upon them, and may they become strictly amenable to the laws.

But let us at the same time be watchful and vigilant in another way. We cannot, we ought not, to forget the events of the last six months.

"When we have seen every stratagem pursued, and every practice resorted to in order to prejudice many of the expressed opinions of great bodies of the community; when we have seen secret meetings got up, and sentiments improperly put forth as being the sentiments of the nation at large; when we have seen fair public principle cruelly assailed, and the sound constitutional

\* Query. Is the list made out alphabetically like the game certificates, insidiously to mix the high names which appear, and thus conceal the movers of this loyal undertaking?

language (held at many of our public meetings by some of the first men of rank and consequence in the country), represented in addresses to the Throne, as "factious declamations, proving little else than the speaker's appetite for praise, or power, and giving a wide spread to *sedition doctrines*." When we have known one Noble Commander to have designated (though no doubt inadvertently) county meetings as farces, and another Noble Commander to have been received at a public meeting of his county (like a reviewing General) "by sound of cannon;" we say, with all this still fresh in our recollections, it does become all real lovers of rational and defined liberty, at least "to be watchful," and ever to remember that in a limited monarchy "there may be conspiracies against freedom, as well as conspiracies against prerogative!" As to the wide charges of disloyalty and sedition, we have the experience of History to shew that these charges have ever been magnified in proportion to the corruption existing in the Government. Plots and conspiracies, which never had an existence, were formerly spread abroad at Rome; but this was when the *Roman Senate became degenerated*; when the *spirit of her Government was lost*; and when the most salutary maxims of the State were inverted!! It was fashionable then, as now, to believe in Sedition,—and there were persons then, as now, interested in practising delusion, because *delusion is necessary* for the purposes of arbitrary measures, and to repress the force of public opinion upon such measures. It will also be found that the men in those days, as now, who were anxious to bring their Constitution back to its first and best principles, were branded with the name of seditions, by those whose interest it is to crush every species of reformation, however moderate, practicable and constitutional. Really, then, as we have seen how lamentably private interest has been exerted to screen and defend a weak Administration, and how shamefully disaffection to the Ministers has been called disaffection to the Government, and disloyalty to the King, we may be permitted to fear a recurrence of such *misrepresentations*, and that this "Constitutional Association may be so far carried away by their zeal, as again to declare a reprobation of the measures of Ministers 'disloyal and seditious'; thus aiming a blow at one of the best birth-rights of Englishmen, a free canvass of public matters; and imitating the secrecy, the jealousy, and the solitude of despotic Governments, who exclude all that publicity given to public measures and public men, which is so agreeable to a free people. We hope this may not be so; but if there exists a possibility, even that any one member of this constitutional association should act in the spirit before stated, all we say is,—

Let us not lose sight of the vigilance of our forefathers: their wisdom ever foresaw how fatal it is, under any circumstances, or under any pretences, to admit encroachments on the Constitution; for they knew full well how vain it is when these encroachments are once admitted, to serve some present turn, to prescribe limitations either to the exercise or the duration of them."—*Morn. Chron.*

London, May 16, 1821.—Our letters from Constantinople are to the 11th of April. The panic continued unabated. Two or three Greek Bishops had been beheaded, and numbers of Greeks had taken shelter on board of vessels bearing the Russian flag, which is respected. Great preparations were making by the Porte to resist Prince YPSILANTI, who had crossed the Danube, but the Turks were not to move until an army was formed able to meet the insurgents. This they will not find it easy to accomplish, since all their distant Provinces are either in a state of open revolt, or of secret disaffection. At no preceding time was the Ottoman Empire so feeble and distracted. If the Greeks were not sunk in energy, by the debasing consequences of their long slavery, the moment is favourable to their establishment in Constantinople itself, as the metropolis of an independent kingdom, and they would soon regain all their original vigour. Every liberal heart must rejoice to see the horrible power of Turkey demolished, provided that

its European territory, with all the Greek population, did not fall into the grasping hand of Russia.—*Morning Chronicle.*

London, May 17, 1821.—The length of our Parliamentary Report only allows us to allude briefly to the two days debate on Sir FRANCIS BURDETT's motion for inquiry into the transactions at Manchester.

We blush for the character of our country, to think that an outrage like that of the 16th of August could be committed in it, that it has been followed by no inquiry, and that justice has been openly denied to the sufferers. There is something beyond measure revolting in the extent of suffering wantonly inflicted on that occasion—in the idea of the killing and wounding of no fewer than 600 men, women and children—forming part of a meeting, which, whether legal or illegal, was at all events perfectly peaceable. We question if a parallel to this can be found in the history of any civilized country of modern Europe.

The rapidity with which Ministers conveyed the thanks of his MAJESTY to the authors of this tragedy, gives rise to a strong suspicion of the existence of a previous understanding to endeavour, by some, *coup de main* of this sort, to strike a terror into the Reformers, and thus arrest the progress of their cause. There seems no other way of accounting for this step which is not attended with great difficulties; and, in fact, the way in which their adherents speak of the transactions of the 16th, now that the facts can no longer be disputed, lead us directly to this conclusion. They do not affect to dissemble the cruelty, but they dwell on the utility of what took place. It was necessary to make a bold stand against Reform, and to give courage and confidence to its opponents; and they think that nothing was better calculated to give such courage and confidence than a demonstration that men of property, mounted on horseback, might trample down with impunity poor men on foot, whenever and wherever they pleased.

For it must always be borne in mind, that all the statements made by Ministers in the House of Commons, when the business first came before the House, have been proved to be downright falsehoods. We will leave Lord LONDONDERRY and the Magistrates to settle between them who has the merit of the invention of the romance which his Lordship delivered with such a grave face, cheered by thunders of applause from a strong majority.

As was observed by Sir FRANCIS BURDETT, it will remain an eternal monument of the value of the assertions of persons in authority. His Lordship found it convenient last night to leave the criticisms on his former statements without notice, and to dwell chiefly on the old argument of the Courts of Justice being open for the redress of injuries.

Unfortunately, the most calamitous of all the melancholy consequences of this disastrous affair, is the profound impression which has been left on the minds of the people, that they cannot obtain Justice from the Tribunals of the Country. Bill after Bill was thrown out by the Grand Jury at Lancaster, and the wounds of the sufferers were even made a subject of derision.—The facts were so strong and called so clearly for judicial inquiry, that the conduct of the Grand Jury could have only one construction put upon it, namely, that construction which has been put—the injured abandoned all hopes of redress. The confidence in the Laws of their Country, which used to form so marked a feature of the English people, has been ever since on the wane. They have seen themselves shut out from the benefit of their Laws, and they naturally conclude, that they are efficacious to protect the rich, but inefficacious to protect them.—Hence, this frightful line of separation, which is every day becoming more marked between the higher and lower orders of this country.

There are many, no doubt, who think this no evil, and would rather trust to the fears than the love of a people. We, however, are not of this number. We view the estrangement of the affections of the people from the laws and institutions of their country as the greatest of all possible evils. A change of system must, however, take place before we can hope to see a restoration of confidence; and we see no prospect of a change of system. The vote of last night, at all events, does not point that way.—*Morning Chronicle.*

\* Vide Loyal Address to the King from seven townships in Oxfordshire.



# PARLIAMENTARY.

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## Minutes of Evidence.

*Taken before a Select Committee of the House of Lords—the Marquis of Lansdowne in the Chair.*

### EVIDENCE OF CHARLES GRANT, Esq.

Are there any other Points connected with the exclusive Privileges enjoyed by the East India Company, either as respecting their Trade with the Port of Canton or their Trade with the Continent of India, upon which you would think it desirable to add to what you have stated upon a former Day?

I certainly think there are such Points, and not a few; but they must embrace a considerable Detail, and require the Production of various Documents with which I am not now furnished: nor do I think I should do Justice to the Subject, if, without having contemplated a general Exposition of it, or knowing perfectly all the Objections lately advanced against the Company, were I to enter at present into the full Discussion which I apprehend would be requisite; but if there is Time given to review and to digest the various Topics, I shall be happy to have the Honour of attending the Committee on a future Occasion, in order to state them more particularly; at present I will only indicate the general Heads. I beg, indeed, to premise, that I conceive there is hardly any Branch of the Enquiry now instituted relative to Eastern Trade in which the India Company is not either directly or collaterally concerned; and therefore that they may have Observations to make, and I should hope will be permitted to make them, upon every Point which has recently been brought forward respecting that Trade. I would beg Leave to add also, that although the East India Company are by their last Charter privileged in the exclusive Trade of China for the Term of that Charter, and they cannot, in justice to their own body, or to the Country, consent to relinquish any Part of that Privilege; yet neither myself, nor I believe the other Directors of the Company, wish to stand before the Public nakedly upon the Ground of Privilege, but rather to be allowed to justify both the Conduct and the Views of the East India Company, in relation to the whole of this Subject.

I shall now beg Leave to indicate the Heads:—First of all, the present State of the Free Trade from Europe to the East Indies, particularly with respect to any Exportations of British Manufactures thither—next, the Trade to China, the Company's and that of Individuals from British India—the Danger to which the Company's Trade to China has been at different Times exposed, from the Conduct of British Subjects at Canton, and the arbitrary Nature of that Government—the further Privileges now speculated on by private Merchants and others, in the Trade to Canton—the American Trade to China, to the Eastern Islands, and India generally—the supposed Facilities for increasing the British Trade in the Eastern Islands, Cochin-China, and other Parts—the Trade from China to Foreign Europe, particularly in the Article of Tea, and the Conduct of the East India Company with respect to the Management of their Trade to China—the Shipping they employ in that Trade, and other Circumstances which come under Observation in the Course of such an Enquiry, as well upon this Head as upon the others which I have enumerated.

[Mr. Grant is informed by the Chairman, that as he does not feel himself prepared at this Moment to state to the Committee the Views of the Directors with regard to the various Points above stated, the Committee will, at the First Meeting subsequently to their Adjournment, examine either him, the Chairman, and Deputy Chairman, or any other Person whom they suggest as best fitted for the purpose on the different Subjects referred to.]

Have you understood that a considerably increasing Demand for British Cotton Manufactures has lately arisen in China?

I cannot say that I am particularly informed upon that Subject: I confess I have a good deal of Distrust about it, but it is one of the Things into which I mean to enquire particularly. The Company themselves have, in the Course of some past Years, made several Consignments of British Cotton Piece-Goods to Canton, which have by no Means answered; but they are still disposed to go on making these Trials, in order to see whether they can establish a Trade in any Article of that Kind; and if the Committee require it, an Account of those Adventures shall be transmitted to them.

Mr. Grant is desired to furnish such Account.

### EVIDENCE OF WILLIAM SIMONS, Esq.

You have been for some Time in the Employ of the East India Company?

I have.

What Situations have you filled in their Service?

I am Clerk to the Committee of Warehouses, which Committee has the general Management of the Company's Commerce.

Have you filled any Situations in the Company's Service abroad? Never.

What Situation did you fill before you were Clerk to Committee of Warehouses?

I have been in the Commercial Branch all my Life.

During the Period of your Employment in the Company's Service, have you had an opportunity of observing the State and Progress of the Company's Trade with the Port of Canton?

In a considerable Degree, certainly.

Can you state to the Committee what, during that Period, has been the Mode in which the Company have made their Investments of British Produce or Manufactures for the Chinese Market, as to Quantity and Selection of Articles?

The chief Article is Woollen Cloth, of which the Company have exported more than the Market required, which I prove from its having sold at a Loss, at a considerable Sacrifice. The Woollen Branch may be said to be divided into Two principal Parts; One consists of superfine Broad Cloths, made of Spanish Wool, the other consists of coarser Goods, made of British Wool altogether. Now the Cloths made of Spanish Wool have been more in Demand and more liked than those made of British Wool. The Company have submitted to a very great Sacrifice in selling the Goods made of British Wool, to an Amount frequently exceeding £100,000 Sterling a Year Loss upon the British Woollen Goods. Since the Renewal of the Charter, in the Year 1813, the Company have seen it right to reduce the Quantity of Woollen Goods made of British Wool, in order to raise the Price on the other Side; and at present the Practice is to increase the fine Goods made of Spanish Wool, and to decrease those made of British Wool, on account of the high Price of British Wool lately, and the great Loss entailed upon the Company.

How long have you filled that Situation?

I have been Clerk to the Committee about Six Years.

Has there been a Loss or a Gain on those made of Spanish Wool?

Those made of Spanish Wool sell now rather at a Profit.

What manufactured Goods besides Woollen Cloths has the Company exported, by way of Experiment or otherwise, to China, during the Period you have been acquainted with their Commerce?

A Variety of Manchester Goods have been sent, but they were disapproved; and almost every new Thing that has been sent out has been disapproved; the China Merchants take any experimental Article at the Invoice Cost, and say, pray do not send any more.

Has this been the Case with respect to Cotton Goods?

It has been the Case with respect to Cotton Goods, but not Printed Cotton Goods, which seems to be the present Object of Consideration. The India Company have sent out coarse Manchester Cotton Goods, which have been very unfortunate, but not printed Goods; the Company have sent out an Adventure of Cotton Goods to China in the last Year, in Imitation of the Cotton Manufactures; Patterns of China Cloth were obtained, and sent to Manchester, and they were directed to make the Goods as much like them as they could, and some Quantities are gone out.

Did the Company employ various Manufacturers in Manchester, or what House in Manchester?

They were provided through Two Houses in London, Messrs. Rankin and Messrs. Stirling.

To what Amount?

They had an Order for, I think, £5,000 worth each, but they could not be got ready in Time. The Workmen at Manchester did not like the Article, not being accustomed to it, and could not get it done. I believe not above Four or Five thousand Pounds worth are gone out, but the Remainder are to go out the next Year.

The Goods were required to be of an unusual Make?

Exactly to resemble the Chinese Goods, which they were not accustomed to, and they could not get them made.

Was this for Canton only?

Some of them are going out to India also.

If those Goods should sell in China at the Prices at which similar Goods of that Country sell, will they afford a considerable Profit?

So far as we could judge from the Prices transmitted by the Company; Manchester Goods were much cheaper, and the Prospect is that they will afford a Profit.

Do you conceive that any Injury would arise to the Commerce of the East India Company if British Ships were permitted to export British Produce and Manufactures to China, and to take Cargoes of China Produce, Tea excluded, in Return, for the European Market?

I apprehend, so far as respects the Commerce of the Company, they not dealing in any Article of the Produce of China, except Tea, Raw Silk, and Nankeens, that no Injury would accrue to the Company's Commerce from such a Trade, meaning to limit myself to Mercantile Profit and Loss upon it; but I apprehend very great Danger from the Introduction of British Seamen and Ships into China; my Reason is principally from the Apprehension of Variances and Disputes with the Chinese Authorities and People. All the World can trade in China Raw Silk, Nankeens, and every thing but Tea, so that the Trade cannot possibly be more open than it is, in those Articles. London is at this Time entirely overstocked with China Raw Silk and Nankeens; they cannot be sold at all; there are Eight hundred thousand Pieces of Nankeen Cloth at this Time in the Company's Warehouses. London is full of Chinese Manufactures.

Supposing British free Ships to be allowed to export Tea from Canton for other European Countries, leaving the Monopoly of the East India Company untouched in Great Britain, do you suppose any considerable Injury would arise to the Commerce of the East India Company from such Permission?

Very little Tea is exported from London to the Continent of Europe; the North of Europe is at present supplied by the Americans. I apprehend the Consumption of Tea upon the Continent is somewhere about Three millions of Pounds annually, somewhere about the Value of £250,000 Sterling; I have no very good Document upon it, but it has been my Business to instruct myself upon that Point. Tea is consumed in Holland, in Denmark, and in Sweden, very little any where else; very little in Austria, little in France, and almost none in Spain or Italy. It is not to be supposed that so maritime a People as the Dutch, who have Possessions in India, particularly in the Eastern Islands, in which they are very jealously increasing their Authority, will suffer the Americans or English, or anybody else, to supply them with Tea in future, while their own Seamen and Ships are lying idle; it was not their former Practice: on the contrary they were great Importers of Tea, for the Purpose of selling it to the English East India Company, if they wanted it, or for the Purpose of being smuggled into this Country, if they could find Opportunity; there was always a large Stock of Tea at Amsterdam in former Times, brought in Dutch Ships. The Danes have Settlements in India, and at Copenhagen there are Two Asiatic Companies, very vigilant indeed in looking after their own Interests and Affairs, and it cannot be supposed they will let Foreigners supply them with Asiatic Goods. The Swedes always supplied themselves with Teas, and had a Trade with China to a considerable Extent; indeed they were the first to introduce the Use of large Ships, which the East India Company adopted from them, and now continue. We need not speak of the Americans, because they have shut British Ships out by their new Act of Navigation, but the Inference I presume to draw is, the Countries of Europe will all supply themselves; America, which is the greatest Consumer of Tea next to England, will supply itself; and when the free Traders shall have brought their Tea to Amsterdam, or to Hamburgh, and cannot sell it, what are they to do with it? they must do one or other of Two Things, either, by Persuasion or by Influence, get the East India Company to buy it of them, or else smuggle it into Scotland and Ireland.

What Portion of the Tea which you have stated to be the Consumption of Europe is supplied by the East India Company, if any?

A very small Proportion.

Is there any Probability that such Proportion will be increased?

I think not. In the First Place, the East India Company sustain a Loss of their Exports to China; the Foreigners sustain no Loss of that Sort, because they take Opium or Silver, and very little Goods. Opium is contraband, but still it gets into China without a great deal of Difficulty: the East India Company do not trade in Opium at all, by reason of its being prohibited by the Laws of China. The Company's Ships are navigated somewhat dearer than Foreign Ships; they are more defensible, and in Time of War sail from China without Convoy. The Advantage of those Ships was seen in the Year 1795, by Government taking a whole Fleet from the Company and fitting them out as Men of War. If they had been small Ships, Lincols, in the Year 1805, would have taken every one of them, whereas they were enabled to beat off a Fleet of French Ships of the Line. I merely instance these as Reasons why larger Ships, thought they appear to be dearer, are not in the End dearer. The Company's Ships are navigated by Persons of better Condition than others; by the younger Sons of better Families, of better Rank in Society. Another Reason why the Company cannot sell so cheap is, that they keep an Establishment in China at some Expence. Accidental Traders going there would benefit by the Advice and Assistance of the Company's Servants, and pay no Part of the Establishment: the Company's Supercargoes would give them Advice, no doubt, and assist them; it would be their Duty to do it, and they would do it, but still the Company must pay the whole Expence. The Americans have a Consul there, a Gentleman of the Name of Wilcox, and are at some considerable Expence, I understand, for their Establishment.

The Company's Teas are all of the best Quality; they pick the Market, and take none but the best; the Foreigners buy those which the Company have refused, and of course buy them cheaper. The People on the Continent and in America are content to drink a worse Sort of Tea. There is one other very material Reason why the Company cannot sell so cheap as Foreigners, that the Company are bound by Law to keep a Year's Stock of Tea always on hand: the Object of that, no doubt, was in case of any accidental Suspension of the Trade for a Twelvemonth, either by the Enemy being stronger at Sea in Time of War, or from any Dispute or Misunderstanding with the Chinese Authorities, there should be no Want of the Article. I calculate the Value of that Surplus Stock at Three Millions Sterling; the Interest on Three Millions Sterling is £150,000 a Year; the Warehouse Rent, Taxes, and an Equivalent for Risk of Fire, I take at £30,000 a Year (there is the Risk of Fire all that Time although the Company are their own Insurers); and the Green Teas are somewhat the worse for keeping: from all which Delays and Expences small Ships supplying the Continent of Europe would be free; they would bring their Teas, and sell them immediately. The East India Company being bound to put up their Teas at prime Cost and Charges, of course, as Merchants, include Interest as Part of the Charges, which makes the Teas appear dearer. From all these Points I conclude the Company cannot supply the Continent with Tea in competition with free Traders.

If then the Continent of Europe is supplied with a very small Portion of Tea at present by the East India Company, and from the Circumstances under which the Trade is carried on, there is no Probability of that Quantity being increased for the future, is it of any Importance to the Commercial Interest of the Company whether the Remainder of that Supply is furnished in British or in Foreign Ships?

So far as regards the Supply of Tea, it can be of no Importance to the India Company; but as it regards the Mode in which that Tea is to be obtained, whether by British Subjects or by Foreigners, I think that it is very material.

In the latter Part of your Answer, do you not refer to political Considerations exclusively?

To public Considerations. I apprehend the uncontrolled Introduction of British Ships and Seamen into China would lead to Difficulties which, perhaps, might bring Ruin upon the whole British Trade. I fear it would be so from my reading; I have no personal Knowledge upon the Subject, not having been in China. The Chinese Laws for the Government of the Conduct of all Persons frequenting Canton are extremely strict; and in Cases of Homicide, however accidental, the Laws are cruel in the highest Degree, and altogether unsuitable to European Maxims and Principles. I have heard, that in the Case of the Ship *Lady Hughes*, the Gunner was firing a Salute upon some public Occasion, the Chinese Boats were lying about, and by Accident the Wadding struck a Man and killed him, and also hurt another, who eventually died from the Hurt; it was perfectly accidental; the Chinese Authorities, however, stopped the Trade, and threatened to seize all the Foreigners in the Port, and particularly the Chief of the English Factory. After a good deal to do, they were constrained to give up this unhappy Gunner to the Chinese Authorities, doing all that Men could do to save his Life: the Local Authorities gave them Reason to suppose that his Life would be spared; but they said they must refer it to the Emperor. The late Emperor, Kien Long, was considered to be a very humane Man, but the Emperor's Edict was, that as the Foreigners had killed Two of his Subjects, he would manifest his unbounded Goodness and Mercy, by requiring the Life of only one One of the Strangers, and therefore he ordered that the Gunner should be put to Death, and he was strangled accordingly, although it was admitted on all Hands that the Cause of Offence was a perfect Accident.

How long ago was this Instance?

About Thirty Years ago. About Eight or Nine Years ago there was a Ship lying in the China River moored with Two Hawasers; a Chinaman came in a Boat with an axe to cut one away; the Man on Deck told him to keep off, but he would not, upon which the Man on Deck took up Fire Arms and fired, not at the Man, nor meaning to do it, nor did he hit him, but the Man in his Fear fell overboard and was drowned; his Friends set up the Appeal of Blood, as they call it, and it cost about £20,000 in Bribes to get the Matter suppressed, which was paid by the Hong Merchants. A Third Case occurs to me, of a Seaman, who was intoxicated, beating a Chinese Porter with a Stick; the Chinese Porter was not sober himself. From Bruises and Intoxication the Chinaman died, and his Countrymen brought his Body and put it against the English Factory, and insisted on having some Englishman (they did not care who) given up;—it was to keep up their own Character with the Emperor. That was referred to the Emperor, but the Authorities at Canton had been bribed with a very large Sum of Money—it was said 80,000 Dollars—and the Result was, that the Report to the Emperor alleged the Man's Death to have been caused by the Fall of a Piece of Wood which had been incautiously placed to prop open an upper Window of the English Factory. A Fine was inflicted upon somebody of Twelve



Tales, amounting to £4; so that any Homicide may be got over for Money, provided an Appeal is prevented being made by the Family. The Inference I would take the Liberty of suggesting from this is, that the East India Company having a permanent Establishment of Houses and Warehouses, and tangible Property, in China, to a large Amount, in case of any Dispute with other British Subjects, the India Company would be sure to stand in the Gap—to make up all public Grievances—and therefore the Danger to the Company of uneducated British Subjects going out as Masters of Ships, possibly hot-headed and unthinking Men, who might get into those Difficulties.

**EVIDENCE OF FRANCIS HASTINGS TOONE, Esq.**

You have been in the Service of the East India Company?  
For Fifteen Years.

In what Capacity?

As a Supercargo at Canton; I left Canton in the Month of December last.

Will you state to the Committee what Observations you have made during that Period, upon the State and Progress of the Company's Trade with the Port of Canton?

The Export of Tea has increased, I should suppose, from Twenty-four to Twenty-six Millions of Pounds; the Export of British Manufactures, I should think, is rather less than it has been formerly—a large Quantity was sent out, and was exported at a considerable Loss: the Object of the Company now is, to export as much of all Kinds as will meet the Cost and Charges on them.

To what Circumstance do you attribute the Loss which you state to have been suffered by the Company in the Export of British Manufactures?

Forcing the Trade beyond the Demand.

You are of Opinion then, that the Demand for British Manufactures has upon the whole, rather diminished than increased during the Period of your Observation in China.

I am not prepared to say that the Demand has diminished, but that a Quantity was sold that was sold at a Loss by the Company during their last Charter; the same Quantity would find a Sale now at reduced Prices: we find that of all Woollen Manufactures the Sale Prices diminish in proportion as the Quantity is increased.

Can you state to the Committee what are the Restrictions or Regulations, if any, on the Sale of British Manufactures in China?

They are compelled all to pass through the Hands of licensed Merchants, consisting, at present, of Eleven Persons. I am not aware of any Prohibition by the Chinese Government upon the Import of English Manufactures.

Does that Body of Merchants deal indifferently with the Owners of the Cargoes of Vessels from all Countries, or exclusively with the East India Company?

With the Owners of Cargoes from all Nations that have Permission to trade at Canton.

Of what Nation are the Eleven Persons to whom you have referred?

Chinese: they are the Hong Merchants.

Do you conceive the Increase which you have described of the American Trade with the Port of Canton to have produced any Effect, injurious or otherwise, upon the Commerce of the East India Company?

I should say decidedly, that no injurious Effect to the Commerce of the East India Company had arisen therefrom.

Do you conceive that the Circumstance of the Number of foreign Traders frequenting the Port of Canton is all material to the Interests of the East India Company's Trade with that Port.

I should not think they would suffer much from their Competition. I should apprehend the principal Risk was from the Difficulty of restraining the Seamen not in the regular Service.

Do you conceive that any peculiar Circumstances attach to British Seamen, or to British Trade, which would cause that Trade with the Port of Canton, if permitted in free Vessels, to be attended with Consequences more injurious than that of other Nations?

During the Course of my Acquaintance with China the Trade has been Three or Four Times interrupted seriously by the Disturbances which have occurred between British Seamen and Chinese, and I do not recollect any single Instance having occurred of Disturbances between the Seamen of America, or of other Foreign Nations, and the Chinese.

Did those Interruptions occur previously to the Period during which it was the Practice for British Seamen to be allowed to come up to Canton at Liberty, after receiving their Pay, in numerous Bodies, or subsequent to that Practice being regulated?

One of them, which occasioned a very embarrassing Negotiation with the Chinese, occurred subsequent to that.

Can you state how the last Transaction to which you have adverted originated?

Some Seamen, I believe, belonging to the Ship *Cumberland*, were in Canton, between whom and a Chinese, a Dispute was said to have arisen, which terminated in the Murder of the latter. This occasioned a Demand being made to the Company's Servants on the Part of the Government, that the Murderer should be given up for Trial; every Endeavour was made to discover the Offender, but we could not attach sufficient Guilt to any Person, or obtain sufficient Evidence to justify the Company's Servants in stating the Name of any particular Person to the Chinese, as the one they thought the Offender. I believe the Trade was suspended for Six Weeks or Two Months by the Chinese, and the Discussion was ultimately settled, if my Recollection serves me right, by the Man whom the Chinese believed to be the Culprit being sent to England, with a Promise on the Part of the Supercargoes that the Government of England would cause him to be tried, and, if found guilty, to be punished. The Canton Government would not listen to those or to any other Terms of Accommodation for upward of Six Weeks, during which the Trade was entirely suspended.

All those Disturbances originated with Seamen in the Company's Service, did they not?

Yes; no other English Seamen frequent Canton.

Will you state to what Circumstance you attribute there having been, as you have stated, several Disputes between the Seamen employed in the Service of the East India Company and the Chinese Local Authorities, while during the corresponding Period of Time no Dispute appears to have originated between the Americans and the Chinese?

The greater Addiction of the British Seamen to Drunkenness than the American, has been a frequent Topic of Remark at Canton; that is the only Cause I recollect to which it can be attributed.

Is there any Circumstance in the Mode in which the Trade of the East India Company is carried on, and their Vessels are usually equipped, which would render the British Seamen employed on board of them more liable to Excess and to Insubordination than in other Branches of Trade, and in other Countries?

I believe the Company's Ships get the Refuse of the English Seamen; their Wages are extremely low, and the Length of the Voyage makes it very unpopular with Seamen.

Is there not a considerable Proportion of Landsmen on board the East India Ships?

A good many in Time of War, and I dare say now also, since the Peace.

Do you apprehend the American Ships have the Refuse of the American Seamen, or prime Seamen?

I understand they pay very high Wages.

Do not you know that the East India Company are frequently in the Habit of taking People of very bad Character and Landsmen to make up their Crews in the River?

I have understood some of the Ships that sailed as late as last Year found great Difficulty in getting their Ships manned, and were obliged to take any Men they could get.

If a Sailor belonging to one of those free Traders was to get into a Quarrel with the Chinese, would the Chinese look to the India Company for Redress, he being a British Subject?

They apply, in all Instances, to the East India Company's Servants, whether the Offence be committed by Persons belonging to His Majesty's Ships, to the Company's Ships, or private Ships, provided they are British.

Would there be any Objection, in your Opinion, to the Head of the Factory at Canton being invested with the Office of Consul, in the same Manner that that Office is now exercised for the Benefit of the Americans, in the Event of British free Vessels being permitted to trade with the Port of Canton?

I conceive it would materially tend to prevent Disputes, if the chief Supercargo was invested with the same Power to regulate the Crews of those free Ships which he has to regulate those of the Company.

Do you know whether the Market of Hindostan has been greatly overstocked with British Produce lately?

I have no Knowledge of the Market of Hindostan but by common Report.

Have you ever been in the North of China?

Yes, I accompanied Lord Amherst on his Embassy.

Can you give any Information to the Committee respecting the trade of China with the North of Europe through Russia, with respect to the Articles imported or exported, and their Amount?

I have understood, from the verbal Accounts of the Chinese, that a large Quantity of Tea, about 40,000 Chests, is sent annually by the Caravan; but I do not place great Reliance on that Information.

Can you state, from the same Species of Information, what Description of Articles were received in Return.

I understand Peltries from the principal.

Any Articles of British Manufacture?

A few Pieces of fine English Cloth reached Canton; but I have been unable to get any precise Information with regard to the Quantity.

Are you aware to what Extent the Manufactures of Europe imported into the Port of Canton are diffused over the Chinese Empire?

We saw English Woollens in all the great Towns through which we passed; and I have understood from the Chinese that they are generally dispersed throughout the Empire.

Does it occur to you that there are any Articles of Manufacture not yet exported to China that could be exported with Profit?

Many new Species have been tried within the last Ten Years, and given up when found not to answer. There is an Attempt now, making to export Printed Cotton Goods, which, to a small Extent, succeeded at first, and which induced a larger Export last year. That Export, I understand, was made by desire of a Chinese Shopkeeper, who contracted to receive the Goods at a Price which would have afforded an ample Remuneration; but on the Arrival of the Goods he refused to receive them, the Adventure being found absolutely ruinous. The Person who brought the Goods out, was obliged to accept a modified Price, and, I understand, now, he is very doubtful whether the Returns will cover the Expences of Cost and Transport of the original Adventure.

If the Trade on the Part of the Chinese were free, do you imagine that Teas might be furnished to the East India Company at a much lower Price?

I conceive they would; that is, if there were no Hong Merchants.

Are you aware whether the Trade in the North of China, by Russian Caravans, is carried on by means of an exclusive Company, or whether it is free?

I believe that it is restricted by the Chinese to the small Town of Kiakta, Half of which I understand is Chinese and Half Russian; but I do not know the Regulations by which it is carried on.

The Witness is directed to withdraw.

Ordered, That this Committee be adjourned to Thursday the 17th of August next.

#### EVIDENCE OF CHARLES GRANT, Esq.

Are you desirous of making any Addition to the Answers you made at the last Sitting of the Committee?

I have brought some Supplementary Papers in relation to the Answer to the last Question which was put to me, which I should be glad to present to the Committee.

The Witness delivers in the Statement, and it is read, and is as follows:

"English Traders appear to have indulged such Feelings from a very old Date; the following are Extracts of Letters written in the years 1625 and 1627 by the Company's Factors at Batavia, before they knew much of China, to the Court of Directors.

Extract Letter from Batavia, dated the 6th February 1625.

The Trade of China, now likely to settle at Tywan upon Formosa, is as an Ocean to devour more than all Europe can minister, wrought and raw Silks in abundance, and many necessary Commodities that all Parts of India must have; these are to be purchased with the Pepper, Spice, and Sandal Wood of these Parts, at Prices that we please; also with the Silver of Japan springing from the said Silk of China, and by all Probability with every Sort of European Commodities, especially Woollen Cloth; for the greatest Part of the China Empire stretcheth into the cold Climate, and is defended with infinite Troops of Soldiers, whose Necessities do require more than we can guess at till experienced.

Extract Letter from Batavia, dated the 23d June 1627.

For these mighty Monarchies, China and Japan, abounding with Riches, and also civilized peaceably to respond with all, but in a Climate requiring that which neither themselves nor their Neighbours enjoy, or can be supplied but by the English, which is Clothing

answerable to the Magnificence of those Nations, defensible against the Cold, and convenient for their Employment in Travel, Wars, and Weather. Those Clothes which now they wear is Silk, in Summer Season passable, but in Winter are enforced to bombast or to wear Ten Coats one over the other, and that is useful; Silk being thus their Clothing, and all growing in China, a Stop of that Intercourse were so material, that Silk in China in One Year would be as Dust or Dung, and Japan beggared for Want of Clothing. But such Stop of Intercourse, and devised Extremity needeth not, for the natural Enmity between these Two Nations hath so framed all for our Purpose, that could Japan be furnished with any other Clothing, not one Chinese durst peep into their Country, which the Chinese well know, therefore though tolerated by Japan, yet none cometh but by Stealth, which would cost their Lives if known to their Governors in China; thus with that which in our last Letter was commended unto your Consideration for Japan, may suffice to express that hopeful Trade. Our next Step is into China, so united into Japan as with no reason they may be separated."

Q. Have you had Occasion to form any Opinion as to the Value of Singapore as a Mart for Commerce in the East Indian Islands?

A. Yes, I have turned my Thoughts to that Subject, which I think a very interesting one, in the relative Situation of the British and the Netherlands Power, in the Eastern Seas. I consider the Position of Singapore, and the Occupancy of that Place to be very important to the British Interest; and I heartily wish it may be found consistent with the Rights of the Two Nations, that Great Britain may keep Possession of it. I think it remarkably well situated to be a Commercial Emporium in those Seas; I have no Doubt that it would very soon rise to great Magnitude and Importance; and if I may be permitted to allude to the Conduct of any Individuals on this Subject, I must say that I think the whole Proceedings of Sir Stamford Raffles have been marked with great Intelligence and great Zeal for the Interests of his Country.

Q. Are you acquainted with the Increase of Wealth, Population, and Trade, which has taken place at Singapore during the short Period that has elapsed since the recent Establishment there by Sir Stamford Raffles?

A. I have not in my Recollection what Sir Stamford Raffles has stated upon that Subject; but I remember well being struck with how much had been done in a very short Time, both as to the Resort of People as Settlers, and of Shipping for Trade. It should be remembered, that it was quite an unoccupied Spot when he took Possession of it.

The Witness is directed to withdraw.

Ordered, That this Committee be adjourned to Monday next, Three o'Clock.

#### The Lines of a Good Judge.

Extracted from Lord Bacon's Speech in the Common Pleas, to Sir Richard Hutton, when he was called to be one of the Judges of that Court, March 3, 1617—14 Jac. I.

1. A Judge, in maintaining the laws of the realm, should be rather *heart strong* than *head strong*.
2. He should draw his learning out of his books, and not out of his brains.
3. He should mix well the *freedom* of his own opinion, with the *reverence* of opinions of his fellows.
4. He should continue the *studying* of his books, and not spend up on the *old stock*.
5. He should fear no *man's face*, and yet not turn *stoutness* into *bravery*.
6. He should be *truly impartial*, and not so, as men may see *affection* through *fine carriage*.
7. He should be a *light* to *jurors*, to open their eyes, but not a *guide* to lead them by the *nose*.
8. He should not affect the *opinion* of pregnancy and expedition, by an impatient and catching hearing of *counsellors* at the bar.
9. He should speak with gravity, as one of the *sages* of the *law*, and not be *talkative*, nor with impertinent *flaying* out to show *learning*.
10. His *hands* and the hands of those about him should be *clean* and *unconspicuous* with *gifts*, from meddling in *titles*, and from *servicing* of *turns*, be they of great or small ones.
11. He should contain the *jurisdiction* of the Court within the *ancient* meet-stones, without removing the mark.
12. Lastly, he should carry such an *hand* over his *Ministers* and *Clerks*, as that they may rather be in awe of him, than presume upon him.



# ASIATIC DEPARTMENT.

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## Sydney Gazettes.

*New South Wales.*—We have received some Gazettes from Sydney, to the 14th of July, by the *MEDWAY*. Governor Macquarie was at Van Diemen's Land at the period of her sailing. The new Governor, Sir Thomas Brisbane, was daily expected. The following are Extracts from the Sydney Papers:—

*Sydney, June 30, 1821.*—On Saturday last, the 23d instant, the half-yearly Examination of the Pupils at Dr. Halloran's Establishment took place, in the presence of several highly respectable Gentlemen, who expressed their unqualified approbation of the system of education adopted in this very valuable Institution, and their satisfaction at the rapid improvement of the students in classical learning, and in their various other literary pursuits. Two handsome silver medals, a silver pen, and two prizes of books, were distributed to several of the pupils, by Dr. Halloran, with short but apposite addresses to the several Pupils, who had distinguished themselves.

*Sydney, July 7, 1821.*—On Tuesday afternoon His Majesty's Cutter *MERMAID* arrived from Port Macquarie, which Settlement she left the Saturday preceding. Mr. Oxley, the Surveyor General, returned in this vessel to Head-quarters, having effected the object of his mission, by placing buoys in such positions on the bar and sunken rock in the entrance into the harbour, as it is hoped, will in future prevent the recurrence of those accidents which attended the vessels on the first formation of the Settlement. A code of signals has been established, with a competent Pilot, which it is expected will render the entrance into the harbour as easy and secure as any other of the smaller ports on this coast.

The *SUPPLY* (whaler) has been on the Coast of Peru, as stated in our last, twelve months, and has been tolerably successful; having procured in that space upwards of 2000 barrels of sperm oil. On the way hither she called at the Friendly Islands, at one of which she touched; it is called by the natives *Eaooa*, but by us *Middleberg*. From Captain Thornton we obtain the following particulars:—

On the morning of the 21st of February last a boat was dispatched on shore from the ship, under command of the chief officer, with five effective hands, and three sick men, in order to procure articles of refreshment for the crew, and to land the invalids. Upon landing, the men were immediately surrounded, and the boat carried in-land about half-a-mile, which action was observable from the ship. In a short time after this transaction, from ten to fifteen canoes, with four or five natives in each, came off to the vessel with a quantity of provisions, and bartering between the crew and the natives of course commenced. All was calm, and trade seemed to be going on well; when, on a sudden, the natives in the canoes flew up the vessel with amazing dexterity, joined a few others on the deck, and endeavoured to take the ship.—The crew, who were not altogether well prepared, but still had sufficient apprehension not to be wholly defenceless, at the same instant seized crow bars, handspikes, and whatever other weapons presented themselves; and, in a few minutes, providentially cleared the ship of their treacherous friends. This happy object was not accomplished, however, without the loss of lives on both sides; the second officer, Mr. Crombie, received a blow in the head, from the effects of which he only survived nine hours; a seaman, of the name of John Humphrey, was dragged out of the mizen chains into the sea, and there butchered; and a third who was the carpenter's mate, Samuel Johnson, was killed between the shore and the ship in a canoe, into which he had voluntarily gone before the attempt was made. He had been entreated by his commander to leave the canoe and come on board, but he chose to disobey the injunction, and in consequence lost his life for his temerity. Several of the natives were killed; and to shew that the whole was preconcerted, and understood by those on shore, the instant the rush was made on the vessel, the chief officer's party were secured and bound to trees, which, from the nearness of the vessel to the shore, was clearly perceivable; however, fortunately not succeeding in their dreadful intentions, the lives of the shore party were saved. The next

morning Captain Thornton endeavoured to recover those on shore; which object was so far accomplished, as to gain the release of his chief officer and five men, the natives granting them liberty upon the receipt of a musket, and a proportionate quantity of ammunition, for each. The other three they were determined on retaining; and Captain Thornton was reluctantly compelled to leave his three men to the protection of Providence, and proceed on a cruise.

After the lapse of about a month, the vessel undergoing considerable alteration in sails and painting, Captain Thornton paid a second visit to *Middleberg*, but this attempt was also fruitless; and once more he put to sea without the fulfilment of his object. The supply, upon this cruise, fell in with the *SERINGAPATAM* and *KENT*, whalers, and, in company with them, made another attempt to effect the enlargement from the worst of bondages of the three sailors, if still alive. The third time proved successful as far as related to two of them, the third declaring he would not leave the island, and when the boats went on shore to release them, he fled into the woods. His liberated associates said, that he had come to the determination of spending the remainder of his days on the island, from the circumstance of his sight becoming dim, and the certainty of living in the midst of luxuriant plenty. *Middleberg* or *Eaooa*, is in latitude 21° 20'; and longitude 174° 30' W: is only 8 miles distant from *Tongataboo* in a south-easterly direction; and is governed by an elderly man of the name of *Afoca*, whose title is regal, and the inhabitants he rules are about 600 in number. The island is extremely picturesque; and abounds with provisions, such as yams, shaddocks, a kind of guava, pigs, fowls, and cocoa-nuts. After a reconciliation had taken place, the vessels lay off this island some time, and Captain T. was enabled to observe, that amity and friendship existed among the natives themselves: but, so far from their possessing any friendship or affection for foreigners, he considers that treachery is too much the characteristic trait of these islanders. Captain T. also says, that plunder appears to be their principal aim, as the desire of killing or glutting themselves in human gore, appears not to form a part of their character in these days, whatever it might have been heretofore.

Captain Thornton also has been kind enough to favor us with something of a description of the island of *Tongataboo*, whose king rules the other islands with imperial sway. *Middleberg* is a dependency of *Tongataboo*; the latter is supposed to contain about 2000 inhabitants. The former is abounding with every gift that Nature can possibly bestow for the benefit and sustenance of her creatures, and has the appearance of a lovely and well laid out garden; yet it bears no comparison with that of *Tongataboo*, which Captain Thornton assures us is lovely to behold. The shores are lined with cocoanut trees, and the whole island exhibits a portraiture of cultivation of the most marked kind. Nothing seems to be wanting in these regions to effect the completion of the happiness of our sable fellow mortals, but that Religion which is flying apace to their shores; and, ere long, will doubtless be introduced and established within their borders. Notwithstanding all their treachery, it is very evident these people are not averse to the introduction of strangers among them to reside, or why would this European prefer ending his days in their converse, to that of returning to his native country, and kindred? We, unhesitatingly, pronounce them as capable of present civilization; and capable also (says the exulting Missionary) of being saved.

Between *Tongataboo* and the island of *Anamooka* there is a very dangerous reef of sunken rocks, which extends as far as the eye can reach, and upon which the *SUPPLY* was near running, Captain Thornton could not find it laid down in any chart or map in his possession. Its situation is latitude 20° 25' S. and longitude 175° 4' W.

Captain Thornton adds further to our stock of interesting intelligence, by informing us, that he fell in with an island, of considerable extent, in latitude 10° 4' S. and longitude 150° 16' W. At first view it resembles a cluster of small islands, and is particularly low. Its length, Captain Thornton ascertained to be fifteen miles, and its breadth about five.—*Sydney Gazette*.

## LETTER III.

## Adawlut System of India.

To the Editor of the Calcutta Journal.

SIR,

In Criminal Law there are certain great maxims applicable to almost every state and condition of society, based on the immutable sense of Justice which inhabits the bosoms of all men; and it is not to be denied that notwithstanding some anomalous peculiarities, and too many fictions and pedantries in practice, the Laws of England are substantially bottomed on the soundest and wisest principles of this natural Equity.\* With these for our guides, why should we not have enacted suitable Laws of our own, in the spirit of those of England, embodying in them any peculiarities from the Indian codes which—not being repugnant to natural justice,—might have seemed at the same time peculiarly suited to the people, whether from ancient habits or local fitness? By this decisive step we should have banished at once and for ever from the precincts of our Courts, the endless host of Commentators and Koran authorities, with all their intricate and absurd quibbles and distinctions. We should have got rid too, of the tribe of learned and orthodox Expounders that hang on the heels of our Mofussil Judges, and embarrass them at every step. For a simple people, or rather a people in the stage of civilization in which we found India, no very complex Body of Criminal Law is necessary. The CODE-NAPOLÉON shews that much may be done to simplify this, even in a very advanced state; and a few Regulations, classifying crimes and penalties, defining forms of procedure, and fixing equitable rules of evidence, might have sufficed for our immediate wants, while the road was left clear for subsequent improvement, which should gradually bring our Indian Jurisprudence into harmonious approximation with the English System (already in partial force at the metropolis,) in a modified shape. We have seen a virtual Trial by Jury introduced with ease and advantage among the only class of our Native subjects whom the timid, with most semblance of reason, might have scrupled to intrust with the sword of Justice, and we have seen the same Institution adopted by the liberality of the King's Courts on Ceylon, with great alleged benefit to substantial Justice. We must therefore have better proofs and reasons than the scruples of the timid and of those who are wedded to existing systems, before we admit that it was impracticable or not worth trying to introduce a similar Institution among the non-military Natives of Continental India, by slow degrees at least, beginning with the metropolis and the greater cities, and under every guard of careful selection and preparation. Above all, the proceedings of the minor Courts, ought, beyond doubt, to have been conducted in the vernacular tongues of the Country, to the exclusion of foreign Law-Jargons; while the use of English in the Minutes and Records, and even in the ordinary proceedings of the higher Courts, Civil and Criminal, would have conferred a most substantial boon on the country, by discouraging the cultivation of strange idioms beyond all comparison inferior—and by promoting the knowledge of a language which, after all, must be, our main instrument of civilizing the country and enlightening its inhabitants.

Even with all our timidity, we have not scrupled to innovate on the Sacred Koran, wherever we found it indispensably necessary to break through the absurd trammels imposed by that Book of Wisdom; we have tampered with its rules of Evidence;

\* In saying thus much for the laws of our Country, I have duly before my eyes, the fear of Mr. Mill. That admirable and masculine Writer has always appeared to me to labour under considerable blindness and prejudice when he touches this subject:—he argues from manifest abuse, against use; he does not see that forms, if not perverted, may be essential to the administration of Justice, and to the protection of the weak and poor against the rich and powerful: the summary distribution of Justice, which he would establish in almost every case, appears to be pregnant with far greater liabilities to abuse and wrong than our actual System in England, with all the evils he ascribes to it, of uncertainty, delay, religiousness, and proneness to oppress on the part of the Judges.

we have created unheard of statutory offences; we have rudely blown away many of its frivolous distinctions;—and have altered in many points its venerable appropriations of penalty. But owing to the original sin of our early deference to its authority and forms, we have not dared even to this hour, to disembarass ourselves at once and boldly of the System and its appendages, and to enact what is right and practicable in substance and form, *as from our own authority* and for the good of the subject. Yet we are consistent at least in our scrupulous timidity! It was but yesterday that we almost started at the Ghost of the departed Tymoore as we ventured to make a cautious change on the impress of our Coin!

I am only glancing hastily, and without venturing on details, at what *might* have been done by our predecessors, and the want of which has rendered advancement at this day so difficult a task, even with all our anxiety to let India partake in the liberal and enlightened notions of improvement which distinguish this "Age of Political Economy" as it has been called.

In Civil Jurisprudence, we might have followed a course somewhat analogous: we were not obliged to recognize an order of Landholders in the class of Zameendars; for they were never acknowledged *as such* by the Mahomedans, although their occupancy of office as Collectors, descended *durante bene placito* from Father to Son, like the tenures of the Ryots whom we have degraded to a singular and anomalous rank in the scale, by our creation of right in the soil in the persons of the Zameendars, of whom after all, we have been able to make little better than a class of bad *middle-men*. But here, as elsewhere, the path was beset by the evil genius of India, in the shape of thirst for Revenue, before which every other consideration had to yield. The facility of collection afforded by this intermediary obtrusion of a class of nominal Landholders (on a trifling percentage of the gross produce!) together with some honest but crude wishes to promote the aggregation of property and the establishment of a race of gentry, led us to adorn our Zameendars with the nickname of Proprietors; at one time giving them no power to wring their dues from the under tenants, though we exacted the uttermost farthing from themselves—at another, arming them with arbitrary and summary authority to levy, lest the Revenue should suffer. To discuss the question of what measures *ought* to have been pursued to attain our professed object of raising a class of Land-owners, and Country-gentlemen, I cannot at present pretend: the subject is pregnant with deep interest, and may perhaps be treated of hereafter. This much, however, may be said in passing, that nothing can well be conceived *less* calculated to gain that aid, than our System of Revenue and Tenures; and that until it gives way in some important particulars, by admitting free COLONIZATION, and at least *partial* redemption of Land-tax, substantial improvement in the condition of the India is scarcely possible.

My immediate business is with facts, and with the effect which our early Revenue-craving seems to have had on our Judicial System. The Laws of the descent of property, real and personal, might have been few, and simple: where no reversionary rights existed in the persons of others, the possessors of every description of property, might have been left free to dispose of it by will to whomsoever they chose. This would have included of course bequests by adoption, or from any other cause of partiality; and it would have been no real hardship to require that a Testator should confirm his living preference by a posthumous bequest; far less hardship at least, than may arise out of the looser practice of a system of Inheritance which at best merits no *peculiar* encouragement from the Legislator. In cases of intestacy alone, the Law would have stepped in to distribute; and then we might have followed the prevailing usage of the Intestate's tribe, such usage being previously described and recognized in our written and published Code. Perhaps even a bolder measure might have been desirable in a country like this, afflicted with the barrenness and curse of infinitely small and divisible properties. Perhaps we should have done wisely to recognize descent by primogeniture (at least in males) with the view of encouraging aggregation of capital: only, however, in cases of intestacy; the Law being previously proclaimed and understood.



The Civil relations of parties in purchase and sale, and other ordinary transactions of life, would have been susceptible of easy and brief regulation, on the general principles of Equity acknowledged in English Law; and a few statutes would have sufficed to lay down the forms and conditions of obligations and written instruments of every kind: it would then have remained only to regulate the mode of administering Justice. I agree with one of your ablest Correspondents that the Panchayet is nothing better than a rude method of arbitration; I do not however see that it is the less suited to a vast multitude of petty cases of trespass, debt, damage, bargain and sale, &c. &c. which arise hourly in every village, and which might escape being kindled into protracted and angry litigation if such disputes were decided summarily by a popular assemblage of the neighbours; a practice of great antiquity everywhere, and certainly preferable to the method of adjournment in petty suits by ignorant or corrupt Native Commissioners.\*

In disputes of a more difficult description, the decision of causes would have been better left to European Judges acting under a clear and concise Code of Laws such as I have supposed, than to a Panchayet, however carefully chosen. The expediency of leaving Civil decisions to the verdict of a Jury in any Country, (with the exception of such suits at least as are *quasi* Criminal, or infer assessment of damages) has been strongly disputed by the high authority of the Edinburgh Review, and at any rate would have been premature in the actual condition of Indian society. But in most cases depending on issues of fact, when the parties agreed in preferring to submit to the decision of a Panchayet, the privilege might perhaps have been granted, with condition that no Revision or Appeal could be prayed, except in cases of alleged corruption.

It does not appear that with a good Code and free choice of the nature of the Tribunal, any adequate necessity could have existed for a cumbrous and expensive chain of Appeal Courts; but at all events Appeals should never have been made to depend on the monstrous principle of the amount in dispute, as if that could effect rights claimed or wrongs suffered. Causes would naturally divide themselves into classes somewhat as follows:—

I. Petty Village disputes and claims; to be heard summarily by a Panchayet granted on Petition by the District Magistrate, and held before himself or a competent Deputy on the spot.

II. Disputes between the Zemindar and his Ryots regarding matters affecting Revenue, Tenures, &c; to be decided by the Collector summarily on the spot.

III. Disputes of a more intricate and important description, involving what is called real property in English Law, also matters of bequest—inheritance—succession—boundaries of estates—contracts and obligations—considerable bargains and sales—rights of roads, ferries, fisheries, &c. frauds, claims of cast tribe, or religion, and a variety of similar cases above the cognizance of a Village Panchayet, to be decided by a single *ambulatory* Judge, aided, if the parties desire, by a select Panchayet; otherwise, by three Circuit Judges without that assistance: the decisions of this Tribunal in either shape, being final, except in cases of distinctly alleged corruption, when the cause might be appealable to the Sudder Adawlut, under peril of costs and damages in event of failure or malice.

\* Sir T. S. Raffles, among many other bold and judicious measures, revived Panchayets on Java, and we have not heard that the reform failed of the success which he expected. Mr. Elphinstone, too, the most candid of disputants, and an accomplished and enlightened observer, defends Panchayets in many essential respects, while he admits their occasional defects. Of Sir T. Munro's opinions on this question, since he has enjoyed the advantages of experience which his present station gives him, the world knows as yet nothing. We are equally in the dark as to the practical results of that eminent person's grand Judicial Reforms, a matter of great interest to a numerous class of readers and thinkers, many of whom seriously doubt the soundness of certain doctrines which are held in high estimation by able men, at Madras particularly, and have been made public there and in England. On the excellencies of the Village System, among others—much as it has been extolled—Political Economists must naturally entertain many doubts, and suspect it of tending to perpetuate mediocrity, poverty, over-population, and a stationary if not a deteriorating condition of society.

IV. Causes of such magnitude in the eyes of the parties that they agree to carry them in the first instance before the Sudder, or Metropolitan Tribunal, from whose decision no interminable Appeal to England could be really required, if its proceedings were conducted in full Bench under the check of an independent Bar. Stamps or taxes of any public description on Judicial proceedings, it is scarcely necessary to say, should never have been tolerated in this or any other country.

Under some such System, the tribe of Pundits and Expounders would have disappeared, and Vakeels have been confined to the secondary Courts (of Circuit); the Judicial powers of the District Magistrate would have consisted in superintending the machinery of the lesser Panchayets; and Stationary Tribunals of Provincial Appeal would have been unnecessary, where Justice was carried almost to the door of the suitor as it ought ever to be, in the infancy of society, when every man's time, whether suitor, witness, or juror, is so precious to himself and his family. The proceedings in all these inferior Judicatures would have been conducted in the vernacular tongue; and in the Metropolitan Court, English proceedings should have prevailed, together with an English Bar.

Whether the machinery here supposed, would have worked better than the various and complicated Systems of Chiefs and Councils, Collector-Magistrates, Magisterial Judges of Cities and Zillahs, sometimes dependant, sometimes independent, of Mahomedan or Hindoo assessors, subordinate in one capacity to a miserable Nizamut Adawlut alternately at Moorsheadabad and Calcutta—in another, to the Revenue Authorities, in a third, to the highest Executive Power of the State invested with the unsuitable functions of Civil Jurisdiction in the last resort—whether the System here sketched out would have worked better, is now matter of conjecture. The basis of the whole, must have been a complete Code of Statutes or Regulations, founded on the great and acknowledged principles of Justice, as established in the Law of England, with such modifications only, as prudence, and equitable attention to local laws, customs, and religion, might demand. But in the System which has been actually adopted, and which it is now perhaps too late to reform thoroughly, that great basis is wanting; and we have satisfied ourselves with piecing and patching things as we found them. Under this System, a race of miserably educated technical Expounders and Assessors, and of pettifogging Native Advocates and Attorneys has grown up; and these are now so incorporated with the entire Judicial frame of our polity, that it would be no easy or gracious matter to get rid of them, even if humanity did not interpose in behalf of a set of men who owe their very existence to our Systems and Regulations; who could not easily obtain a livelihood in any other profession; and who, ignorant and prejudiced though they be,—are better educated perhaps, than any other classes of our Native subjects; so slow is the progress of improvement even under our boasted regimen. If this numerous and “*influential*,” order of men had not been created by our well-meant but mistaken Indian Jurisprudence, and if instead of that actually adopted, some such System as I have attempted rudely to sketch, had been skilfully devised and prudently executed for the last 50 years, carrying within itself the germ of approximation to the more perfect but complete System that prevails in the King's Court, the way would at least have been paved to that harmonious uniformity of Jurisprudence which seems indispensable to the due Administration of Justice in every country. Different sections of the same political division of territory, may indeed be governed by different Codes, as we see in our own three kingdoms, without any very striking practical inconvenience, although even there uniformity would be clearly advantageous to all; but those who find their livelihood among the diversities and perplexities of irreconcilable Codes. But the Jurisprudence of no country can be said to approach perfection, so long as different classes and orders of men live under distinct legal regimens; and while the nature of rights and quality of offences do not depend on their own distinguishing characteristics, but vary as the limits within which, or the description of subjects by whom, the one may be claimed, or the other perpetrated.

Sept. 11, 1821,

PHILOPATRIS.

### Original Stanzas.

Go where Joy, its fairest flowers,  
Scatters plenteous in the way;  
Let soft delights crown all thy hours,  
And pleasure gild thy ev'ry day:  
But when the rosy goblet streaming,  
Its sparkling treasures offers free,  
And Beauty's eyes are kindly beaming,  
Oh! cast one straggling thought on me!

Tho' happy only whilst I press thee  
To this fond, this beating heart;  
Yet that dearer joys may bless thee,  
A——, I can from thee part,  
But whilst in distance far thou'rt roving,  
From each intruding care art free,  
New joys, with ev'ry moment, proving,  
My thoughts, dear A——, dwell with thee!

And when of Pleasure thou art weary,  
By Fortune's smile no longer blest,  
Or Sorrow spreads its prospects dreary,  
Then hasten to this faithful breast;  
Thy mirth, tho' I have not partaken,  
Thy smiles, tho' never shar'd by me,  
Yet when by all the world forsaken,  
Still ——'s smiles shall beam for thee!

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### Indian News.

*Appah Sahib.*—A Letter from Delhi, dated September 15, which reached us by Monday's Dawk, contains the following interesting particulars regarding the Ex-Rajah of Nagpore, which we give in the words of our Correspondent:—

"Appah Sahib, the Ex-Rajah of Nagpore, when he escaped from his guard, first fled to the Goand hills. When pushed there, he escaped to Asseerghur, where he remained 15 days. He left Asseerghur in the habit of a mendicant, and came to Gualior, from thence by a round-about way to Delhi, in which city he remained sometime, and from it visited Hurdwar. He travelled on foot. From Hurdwar he proceeded to Umrutsir, and made his arrival known to Runjeet Singh, who directed him to leave his Territories. Phoola Singh protected him at Umrutsir, where he was likely, otherwise, to have been apprehended. From Umrutsir he retired into the country of Semsar Chund, who now protects and feeds him. He possesses no ostensible property in jewels or money and himself and about 100 followers, menials, &c. &c. are supported by Semsar Chund. It does not appear that he had any means of bribing the Soldiers who escaped with him; probably they were won by high promises. None of them are now with him; he is apparently unhappy, but treated with much kindness by Semsar Chund. This account is given by a Servant of his, sent into our provinces for some purpose of a personal nature. The circumstance of the Ex-Rajah's being at Shoojasulpoor is now no secret. It is remarkable how a person brought up so nestled in the lap of luxury should have been able to make his way in the manner he has done from Gondeeana to the Punjab."

*Ghazepore, Sept. 19.*—The weather here is still variable. We have lately been visited with storms of wind, and rain, accompanied with thunder so terrific as to astonish some of the oldest residents. A very melancholy accident occurred on the River on the 14th instant, in consequence of one of these hurricanes. As Mr. Watson, merchant, was proceeding in a Budgerow between Dinapore and this Station, on his way to his place of residence near Buxar, he was overtaken by a sudden squall just as he and his Son, a child of four years old, sat down to dinner, by which the Budgerow was upset. In spite of all his efforts, the boy, and likewise one of his principal servants, were lost, being either overwhelmed and borne along by the strength of the current, or carried down in the interior of the boat. The loss of property amounts to upwards of 7,000 Rupees.

### Shipping Departures.

#### CALCUTTA.

| Date   | Names of Vessels | Flags   | Commanders | Destinations   |
|--------|------------------|---------|------------|----------------|
| Oct. 1 | Charles Mills    | British | G. Wise    | Isle of France |
| 1      | Morning Star     | British | J. Wallace | Madras         |

The GEORGIANA, ARAM, MELEK-EL-BAHR, MAHONED SHAH, HY-DROSSY, and CARRASS, arrived off Calcutta on Monday last; and the ROBERTS arrived at Cooly Bazar on the same day.

### Passengers.

*Additional List of Passengers per Ship MARQUIS OF WELLINGTON, Captain J. Blanchard, from England to Calcutta.*—Mrs. S. Manning, from Madras; Miss Blair; Charles Dunkin, of His Majesty's 34th Regiment; G. M. Blair, Esq.; Lieutenant Osborne Barwell, of His Majesty's 11th Light Dragoons; Lieutenant G. M. Thomas, 7th Regiment of Madras Native Cavalry; Lieutenant C. T. Thomas, Bengal Native Infantry; Lieutenant E. H. Russell, Madras Native Infantry; Mr. Francis Hunter; Mr. Robert Fraucks.

### Nautical Notice.

*Madras, September 12.*—The LAPHANE, Captain Chatfield, from London the 21st May last, anchored in the Roads on Sunday morning. The following is a list of her Passengers:—FOR MADRAS—Mrs. C. Green, Lieutenant J. Williams, Messrs. James Knox, G. Green, P. Chambers and G. W. Watson, Cadets, Mr. Godfrey, Assistant Surgeon.—FOR BENGAL—Mrs. M. Talbot, Lieutenant Carey, Lieut. H. W. Holford, Messrs. C. Griffin, A. T. Lloyd, and Robert Dalas, Cadets.

### Marriage.

At Berhampore, on the 20th ultimo, Lieutenant J. MACAN, 2d Battalion 26th Regiment of Bengal Native Infantry, to CHARLOTTE MARIA, eldest Daughter of W. T. SMITH, Esq. of the Bengal Civil Service.

### Births.

On the 29th ultimo, the Lady of THOMAS HUTTON, Esq. of a Daughter.

At Bombay, on the 1st ultimo, Mrs. WOOLER, of a Son.

### Deaths.

On the 29th ultimo, Mrs. RACHEL CAM, aged 95 years.

At Chandernagore, on the 27th ultimo, Captain J. NORTON, of the Country Service.

At Mhow, on the 11th ultimo, Lieutenant W. S. KENNEDY, Adjutant to the 6th Regiment of Light Cavalry, most sincerely lamented.

Our Venerable and highly esteemed Master-builder, JEMSETJEE WADIA, departed this life on Friday the 31st of August, at half past 3 P. M. aged 67 years and 5 months, nearly 54 of which have been most zealously spent in the Honorable Company's Service. JEMSETJEE BOMANJEE was the first and indeed the only one who ever built a line-of-battle ship in India, although he had built a number of the largest class of Indiamen and several of as large country Ships, and so devoted has he been through the whole tenor of his smoothly gliding though eventful life to the interest of his Honorable employers, that he endeavoured to forego the honor of being the architect of line of battle ships from a disrelish to the expenditure of public money till overcome by the repeated importunities of Admirals RANIER, Sir THOMAS TROWBRIDGE, Lord EXMOUTH, and all their successors; he built that model for English men of war, the MINDEN of 74 guns, which floated out of the Bombay Docks in the month of November 1810, since which period those magnificent Docks have not been unoccupied by a line of battle Ship or Frigate building or repairing up to the present moment when there is absolutely a prodigy in naval building upon the eve of being finished. The writer of these feebly constructed lines, saw the stupendous fabric, but he did so with awe and admiration. It is upon Seppings's plan internally, (knees excepted) transversely timbered and externally fastened in the usual manner, but the GANGES (for she is so called) will be a fortress; as the heaviest battering train can never penetrate her! JEMSETJEE BOMANJEE seemed to feel no repose but when in the face of his duty, or happy but when in the Dock yard.—

"Exegit monumentum ære perireus."—*Bombay Gazette.*

At Bombay, on the 4th ultimo, Mrs. ANNE WHISH, the Lady of Lieutenant Colonel WHISH, of the Honorable Company's Regiment of Artillery, aged 21 years.

*Europe Death.*—On the 30th of January, at Keith, in the County of Banff, after a long and painful illness, borne with exemplary fortitude and resignation, Mrs. SIMPSON, wife of JOHN SIMPSON, Esq. greatly regretted by her family and friends.